



Senate

General Assembly

File No. 328

January Session, 2011

Senate Bill No. 227

Senate, April 4, 2011

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING REMEDIATION STANDARDS UNDER A CONSENT ORDER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2011*) Notwithstanding any
2 provision of the general statutes, whenever the Department of
3 Environmental Protection enters a consent order with a party
4 concerning one or more parcels of land and such consent order
5 requires, in whole or in part, the remediation of such land, the
6 requirements and standards for such remediation shall not be
7 modified by the department unless both the department and such
8 party agree to such modification.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	New section
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ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See Below

Municipal Impact: See Below

Explanation

The bill prohibits the Department of Environmental Protection (DEP) from modifying the remediation standards and requirements of certain consent orders. The impact of this bill is uncertain as it is not known how many, or to what extent, consent orders involving the state or a municipality will be modified.

The Out Years

The ongoing fiscal impact in the outyears depends on the nature of the change contained in the remediation standard or consent order.

OLR Bill Analysis**SB 227*****AN ACT CONCERNING REMEDIATION STANDARDS UNDER A
CONSENT ORDER.*****SUMMARY:**

This bill prohibits the Department of Environmental Protection (DEP) from modifying the remediation standards and requirements of a consent order entered by DEP and a party concerning, at least in part, remediation of one or more land parcels unless DEP and the other party agree to the modification.

By law, the DEP commissioner has the power to enter into contracts and orders and institute legal proceedings to enforce statutes, regulations, and DEP orders or permits, among other things.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 27 Nay 0 (03/18/2011)